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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,855	02/20/2004	Takasi Kumagai	P-8116	7643
28107 7590 06/12/2007 JORDAN AND HAMBURG LLP 122 EAST 42ND STREET SUITE 4000 NEW YORK, NY 10168			EXAMINER HU, KANG	
			ART UNIT 3714	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

11

Office Action Summary	Application No.		Applicant(s)	
	10/783,855		KUMAGAI, TAKASI	
	Examiner		Art Unit	
	Kang Hu		3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment to the claims and specification has been received on 3/27/2007. Claims 1-24 are presently pending.

Claim Objections

2. Claim 1 is objected to because of the following informalities:

Claim 1, page 2, line 2 “accommodatable” is spelled incorrectly.

Claim 10, lines 4 and 5 are awkwardly worded, “outputting the data to an external device into the game machine”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant first claimed a “card communication check lamps” as a means to check a connecting state of the game machine to the external recording medium, then a “photoelectric conversion light-receiving connector” as a means to insert into and engage with the external recoding medium. The examiner is confused with the last part of the claim where “a light emitter of the game machine is disposed in confrontation with a photoelectric conversion light receiving section of the photoelectric conversion light receiving connector; and the data of the result of the

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game of the game machine is output to the display apparatus by emitting card communication check lamps of the game machine by a predetermined protocol.” It is highly unusual to use a card communication check lamps send any data through a predetermined protocol and does not provide a distinct subject matter which the applicant is claiming.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 8-18, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Walker et al. (US 2002/0196342 A1).

Re claim 1: Walker discloses a photographing system for obtaining a photograph of at least a player when a result of a game is revealed to the player in a game hall, comprising: a game machine operable by the player for playing the game, said game machine communicating the result of the game to the player, the game machine including a photographing request input device that is operable by the player after the game machine communicates the result to the player operating the photographing request input device which indicates a request for recording an image of the player; a photographing apparatus for recording an image of the player; and a portable device include a display for visually displaying result data representative of the result of the game, said portable device being accommodatable on a person of the player such that said

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display is visible within a field of the image of the player when said image is taken by said photographing apparatus. This can be broadly interpreted as while the player is playing the game or after playing a game, requesting a photo to be taken with the machine with the results showing (Figs 1-8; ¶ 23, 25, 26, 29, 30, 31, 32, 44, 45, 46, 48, 52, 54-57, 61, 62, 69, 72, 84, 90, 93, 96, 116, 122, 193, 208, and 228).

Walker further discloses:

Re claim 2: A photographing system for displaying a result of a game according to claim 1, wherein the game machine has a function for outputting the contents of a game to an external recording medium; the display apparatus has a function for inputting the contents of the game recorded in the external recording medium; and the display apparatus displays a result of a predetermined game of the game machine through the external recording medium (¶ 61, 96 and 116).

Re claim 3: a photographing system according to claim 1 or 2, wherein the game machine comprises a data output connector for outputting the result of the game externally of the game machine; and the display apparatus comprises a data collection connector that is connected to the connector of the game machine and inputs the result of the game output from the game machine (¶ 61, 96 and 116).

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Re claim 4: a photographing system for displaying a result of a game according to claim 1 or 2, wherein the game machine has a function for outputting the result of the game externally of the game machine by a radio system data transmission using visible light rays, infrared rays, or electromagnetic waves, and the display apparatus has a transmitted data collecting/receiving function for inputting the result of the game output from the game machine (§ 44, 46, 49, 61, 122 and 161).

Re claim 5: a photographing system for displaying a result of a game according to claim 1 or 2, wherein the game machine comprises card communication check lamps disposed near an external recording medium insertion slot for displaying a connecting state of the game machine to the external recording medium (such light would be inherent to a device that has a internal media slot that can read external media), the display apparatus comprises a photoelectric conversion light-receiving connector for collecting data; the photoelectric conversion light-receiving connector that is inserted into and engaged with the external recording medium insertion slot, a light emitter of the game machine is disposed in confrontation with a photoelectric conversion light receiving section of the photoelectric conversion light-receiving connector; and the data of the result of the game of the game machine is output to the display apparatus by emitting the card communication check lamps of the game machine by a predetermined protocol interpreted as having a card communication check lamp and a wireless means to transmit information to the external recording medium (§ 44, 46, 49, 61, 122 and 161).

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Re claim 6: a photographing system for displaying a result of a game according to claim 1 or 2, wherein: the display apparatus comprises a manual setting mechanism; and at least a part of the result of the game displayed by the game machine is manually input to the display apparatus or the contents of the result of the game displayed by the game machine are manipulated by the manual setting mechanism, respectively (§ 93).

Re claim 8: a photographing system for displaying a result of a game according to claim 7, wherein said indicator is effective for calling a clerk in charge of photographing (§ 29, 153).

Re claim 9: a photographing system for displaying a result of a game according to claim 1 or 2, wherein the game machine displays that a change request input device also acts as said photographing request input device by requesting a casino personnel to take a photograph (§ 29, 30, 84 and 98).

Re claim 10: A photographing system for displaying a result of a game according to claim 1, wherein the game machine outputs a result of an immediately preceding game to an external recording medium by an operation for outputting the data to an external device into the game machine (§ 61 and 174).

Re claim 11: a photographing system for displaying a result of a game according to claim 1 or 2, wherein: the game machine compares a game result with an immediately preceding game result; records a result of a game having high evaluation under a specific evaluating condition and

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outputs a result of a game that has obtained a maximum evaluation in a series of games externally of the game machine (§ 46 - 48).

Re claim 12: a photographing system for displaying a result of a game according to claim 1, wherein: the game machine automatically outputs the result of the game to control center of a game hall as well as comprises a device for requesting to feed back the result of the game automatically output to the intensive control unit to the game machine; and the data of the result of the game fed back through the game machine is output to the display apparatus (§ 44-49).

Re claim 13: a photographing system for displaying a result of a game according to claim 1 or 2, wherein: the display apparatus is of a hand-held type; and the player as a subject gets his or her photograph taken while holding the display apparatus showing the result of the game (§ 52-57).

Re claim 14: a photographing system for displaying a result of a game according to claim 1 or 2, wherein: the display apparatus is of a shoulder type so that said display apparatus can be directly fitted to the player as a subject (§ 52-57 and 169).

Re claim 15: a photographing system for displaying a result of a game according to claim 1 or 2, wherein: the display apparatus is built in the photographing apparatus; and the result of the game input to the display apparatus is displayed and recorded on an image recording medium in photographing (§ 52-57, 169 and 228).

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Re claim 16: a photographing system for displaying a result of a game according to claim 15, wherein: the photographing apparatus comprises an instant camera; and a display on the light-emitting type data display surface of the display apparatus is printed to a film of the camera (¶ 185).

Re claim 17: a photographing system for displaying a result of a game according to claim 15, wherein: the photographing apparatus comprises a digital camera having a CCD; and a display on the light-emitting type data display surface of the display apparatus is output to the CCD through a reduction lens (¶ 228).

Re claim 18: Walker discloses a method of providing a service using a photographing system for displaying a result of a game arranged to take a photograph of at least a player of a game machine and the player playing a game with the game machine in one frame together with the result of the game, comprising: limiting a photographer to a clerk in charge of photographing who is admitted to execute photographing in a game hall; displaying at least one of a winning pattern, the amount of a prize, the amount of dropped money, a winning multiplication of contents of a game is displayed on the game machine or a display apparatus; and photographing the player and the game machine or the display apparatus, which displays the contents of the game, such that the player and the game machine or the display apparatus are photographed in one frame (discussed above and also ¶ 23 and 174).

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Re claim 22: Walker further discloses the game machine is arranged such that when a high evaluation is obtained under specific conditions of a high multiplication or a high score is achieved with respect to an amount of dropped money as a result of a game, a change request display, a photographing request display, or a photographing recommendation display is automatically operated, and the clerk in charge of photographing is called by the display which is operated (§ 174).

Re claim 24: Walker further discloses a photographing fee is previously set to photographing; and when the photographing is executed, the photographing fee is directly asked to the player or drawn from money on deposit (§192 and 193).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 7, 19, 20, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (2002/0196342A1) in view of Walker et al. (2002/0128057A1). The teachings of Walker '342 have been discussed above.

Re claims 7, 19, 20, 21 and 23: However Walker 342' did not disclose the photographing apparatus are mounted on a cart that is circulated by a clerk in charge in a hall in which game

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machines are installed. Neither does walker disclose that the clerk in charge of photographing is a clerk in charge of change money, and the change request device is used for requesting a clerk to take a photograph, or the clerk in charge of change confirm the request of a player before reaching the player.

Walker 057' teaches the use of a change request button on the gaming device (page 14, paragraph 107) to request a change clerk to come and provide change to the player.

Therefore in view of Walker 057' and common sense, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the request for change lamp to request a change clerk to roll a cart equipped with change and other useful tools such as a camera over to provide change to the player and take a photo of the player as requested as it would be convenient because the change clerk would always be available to provide change to the players on the casino floor and he would always need a apparatus (the cart) to help him carry the change. It would save the casino money not having to fit another requesting apparatus to each machine to call the same clerk over for a different purpose and having the clerk providing dual services while he's working on the casino floor.

Walker 342' and Walker 057' are analogous art because they are from the same field of endeavor of entertainment system.

Response to Arguments

3. Applicant's arguments filed 3/27/2007 have been fully considered but they are not persuasive. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. In regards to the arguments toward the 102 rejections of claims 1-6, 8-18, 22 and 24, the applicant may not make argument to subject matter not previously claimed, therefore the argument is moot. In regards to the 103 rejection of claims 7, 19-21 and 23, the applicant's argument amount to a general allegation that the claims define a patentable invention without specifically point out how the language of the claims are patentably distinct from the reference, therefore the argument is moot.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kang Hu whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KH/
Kang Hu
June 6, 2007


Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714